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Paper 161
Entered 19 March 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

ELAZAR **RABBANI**, JANNIS G. STAVRIANOPOULOS,
JAMES J. DONEGAN, JACK COLEMAN and MARLEEN WALNER,

Junior Party
(Application 10/306,990),

v.

TSUGUNORI **NOTOMI** and TETSU HASE,

Senior Party
(Patent 6,410,278 B1)
(Patent 6,974,670 B2).

Patent Interference 105,427—McK
Patent Interference 105,432—McK
Technology Center 1600

*Before: FRED E. McKELVEY, Senior Administrative Patent Judge, and
RICHARD TORCZON and JAMES T. MOORE, Administrative Patent
Judges.*

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT

For the reasons given in (1) the decision on motions entered by a
motions panel (Judges McKelvey, Hanlon and Spiegel) (Paper 118), adhered
to on reconsideration (Paper 130) and (2) the MEMORANDUM OPINION
and ORDER (Paper 160) entered concurrently with this JUDGMENT, it is

1 ORDERED that judgment on priority as to Count 1 [the sole
2 count in Interference 105,427 (105,427 Paper 1, pages 8-9)] is awarded
3 against Junior Party ELAZAR RABBANI, JANNIS G.
4 STAVRIANOPOULOS, JAMES J. DONEGAN, JACK COLEMAN and
5 MARLEEN WALNER.

6 FURTHER ORDERED that as a result of judgment being
7 entered against it on Count 1, Junior Party ELAZAR RABBANI, JANNIS
8 G. STAVRIANOPOULOS, JAMES J. DONEGAN, JACK COLEMAN and
9 MARLEEN WALNER is not entitled to a patent containing claim 216
10 (corresponding to Count 1 of Interference 105,427) of:

11 application 10/306,990
12 filed 29 November 2002
13

14 FURTHER ORDERED that claim 216 Rabbani application
15 10/306990 is finally refused. 35 U.S.C. § 135(a).

16 ORDERED that judgment on priority as to Count 2 [the sole
17 count in Interference 105,432 (105,432 Paper 1, pages 8-10)] is awarded
18 against Junior Party ELAZAR RABBANI, JANNIS G.
19 STAVRIANOPOULOS, JAMES J. DONEGAN, JACK COLEMAN and
20 MARLEEN WALNER.

21 FURTHER ORDERED that as a result of judgment being
22 entered against it on Count 2, Junior Party ELAZAR RABBANI, JANNIS
23 G. STAVRIANOPOULOS, JAMES J. DONEGAN, JACK COLEMAN and
24 MARLEEN WALNER is not entitled to a patent containing claim 216
25 (corresponding to Count 2 of Interference 105,432) of:

26 application 10/306,990
27 filed 29 November 2002
28

1 FURTHER ORDERED that claim 216 Rabbani application
2 10/306990 is finally refused. 35 U.S.C. § 135(a).

3 FURTHER ORDERED that if there is a settlement agreement,
4 attention is directed to 35 U.S.C. § 135(c).

5 FURTHER ORDERED that a copy of this JUDGMENT shall
6 be placed in the files of (1) Rabbani application 10/306,990, (2) Notomi
7 patent 6,410,278 B1 and (3) Notomi patent 6,974,670 B2.

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